

**RE: Breach of Settlement Agreements by Zermatt Holdings, Judicate West Case No. A305751****MaryAnn Campbell** <maryann@judicategwest.com>

Fri, Jul 14, 2023 at 9:14 AM

To: Derek Wilson <djw@djwlawoffice.com>, Matthew Holder <mholder@sheppardmullin.com>

Good morning Counsel,

Thank you for your patience. I have connect with Judge Link regarding this matter and he has requested that a full day be set aside for a return hearing. As he is not available for the full day on August 10, please let me know if one of the following days works for each of you:

- August 4, 7, 9, 11 or 14-18

Please note that a new file will be opened for this now binding matter, your new case number is A305751. While we coordinate a date, the required disclosures will be compiled and provided to you along with an invoice for a retainer for the Arbitrator's continued services.

Thank you,

MaryAnn Campbell



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From: Derek Wilson <djw@djwlawoffice.com>**Sent:** Thursday, July 13, 2023 4:59 PM**To:** Susi Bush <susi@judicategwest.com>; Matthew Holder <mholder@sheppardmullin.com>**Cc:** MaryAnn Campbell <maryann@judicategwest.com>**Subject:** Re: Breach of Settlement Agreements by Zermatt Holdings, Judicate West Case No. A296125

Hi MaryAnn:

I am following up regarding confirmation of 8/10 at 130 for the hearing with Judge Link and August 4 for the briefing deadline. Please let me know if this is confirmed. Opposing counsel, Matt Holder is cc'd on this email.

Thank you.

Derek

Derek J. Wilson

EXHIBIT 3

***NOTE* New Address as of 1/1/2023**

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On Tue, Jul 11, 2023 at 3:22 PM Derek Wilson <djw@djwlawoffice.com> wrote:

Hi MaryAnn, we propose August 10 at 130, with both parties submitting briefing by August 4.

Thank you, Susi.

Derek

Derek J. Wilson

Law Office of Derek J. Wilson

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On Tue, Jul 11, 2023 at 3:19 PM Susi Bush <susi@judicategwest.com> wrote:

Thank you for confirming August 8th, Mr. Wilson.

This would start at 1:30 pm.

After pulling up the file, I see that this file belongs to my amazing colleague, MaryAnn Campbell, and she will be in contact with you shortly.

Thank you,

Susi





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From: Derek Wilson <djw@djwlawoffice.com>

Sent: Tuesday, July 11, 2023 2:13 PM

To: Susi Bush <susi@judicategwest.com>

Subject: Re: Breach of Settlement Agreements by Zermatt Holdings, Judicate West Case No. S305592

Susi:

8/10 in the afternoon works for all parties. Would this be 1pm or 2pm?

Thank you.

Derek

Derek J. Wilson

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On Tue, Jul 11, 2023 at 12:32 PM Susi Bush <susi@judicategwest.com> wrote:

Hello Derek,

Thank you for your quick reply. Judge Link is also out of town July 24th – 8/1, however he has a few dates available the first two weeks of August:

August: 4, 7, 9, 10 (PM), 11

Could one of these dates work?

Thank you,

Susi



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From: Derek Wilson <djw@djwlawoffice.com>
Sent: Tuesday, July 11, 2023 12:26 PM
To: Susi Bush <susi@judicategwest.com>
Subject: Re: Breach of Settlement Agreements by Zermatt Holdings, Judicate West Case No. A296125

Good morning, Susi. Thank you for the quick response. Opposing counsel, Matt Holder, says his client is not available on July 18 and he will be out of the country from July 19-29. Does Judge Link have any availability on July 31 or in the first two weeks of August?

Derek

Derek J. Wilson

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On Tue, Jul 11, 2023 at 8:57 AM Susi Bush <susi@judicategwest.com> wrote:

Good morning, Mr. Wilson,

Thank you so much for reaching out.

After looking at Judge's calendar and the dates you provided to Judge Link, July 18th is the only date available within everyone's availability. Judge has both the morning or afternoon available.

Thank you,

Susi



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From: Derek Wilson <djw@djwlawoffice.com>
Sent: Tuesday, July 11, 2023 8:02 AM
To: Susi Bush <susi@judicatewest.com>
Subject: Fwd: Breach of Settlement Agreements by Zermatt Holdings, Judicate West Case No. A296125

Ms. Bush:

Judge Link asked me to reach out for his availability. Please see below and let me know what works for Judge Link's calendar.

Thank you.

Derek

Derek J. Wilson

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From: Judge Frederick Link <judgelink@judicatewest.com>
Date: Tue, Jul 11, 2023 at 7:41 AM

Derek – please contact my case manager, Suzi Bush, at JW to set up a meet. I have some availability . Judge Link

From: Derek Wilson <djw@djlwlawoffice.com>

Sent: Monday, July 10, 2023 4:49 PM

To: Matthew Holder <mholder@sheppardmullin.com>; Judge Frederick Link <judgelink@judicategwest.com>; MaryAnn Campbell

<maryann@judicategwest.com>; Brandon Neuman <brandon.neuman@nelsonmullins.com>; Gwen Nuttall <GNuttall@sheppardmullin.com>

Subject: Breach of Settlement Agreements by Zermatt Holdings, Judicate West Case No. A296125

Judge Link:

Recently, Mr. Wheeler became aware of a breach of contract by Zermatt in relation to the March 2023 settlement agreement. The 2023 settlement agreement included a 1542 release for Chris Cooper and Mr. Wheeler paid significant consideration to obtain that waiver. You may recall the mediation's last several hours centered on that issue alone. However, Zermatt continues to send threatening litigation letters to Mr. Cooper and threatens litigation for conduct included in the settlement the parties reached in the March 2023 settlement agreement. Zermatt's new actions amount to a breach of contract (the settlement agreement) and unlawful and unfair competition with Mr. Wheeler's ability to have friends recommend his services. Mr. Wheeler would like a hearing on this breach. We would like to reserve a half day for a hearing on these issues in July. What availability do you have for this hearing and would you like principles for the parties to appear or just counsel? Mr. Holder is not available from July 19-29. I am available on July 17, 18, and 31.

Thank you.

-Derek

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